

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

SEO, Bong Seok

9th Floor., Seolim Bldg., 649-10, Youksam-dong, Gangnam-gu,  
Seoul 135-080, Republic of Korea

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

|   |  |
|---|--|
| Applicant's or agent's file reference<br><b>SM753PCT</b>  | Date of mailing<br>(day/month/year) 30 JUNE 2004 (30.06.2004)                      |
| International application No.<br><b>PCT/KR2004/000817</b> | International filing date<br>(day/month/year)<br><b>08 APRIL 2004 (08.04.2004)</b> |
| Applicant<br><b>SAMSUNG ELECTRONICS CO., LTD. et al</b>   |  |

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

**For more detailed instructions,** see the notes on the accompanying sheet.



2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

|   |  |
|---|--|
| Name and mailing address of the ISA/KR<br>Korean Intellectual Property Office<br>920 Dunsan-dong, Seo-gu, Daejeon 302-701,<br>Republic of Korea<br>Facsimile No. 82-42-472-7140 | Authorized officer<br><br>COMMISSIONER<br><br>Telephone No. 82-42-481-5281 |
|---|--|



# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|   |  |   |
|---|--|---|
| Applicant's or agent's file reference<br><b>SM753PCT</b>    | <b>FOR FURTHER ACTION</b><br><br>see Form PCT/ISA/220<br>as well as, where applicable, item 5 below. |   |
| International application No.<br><b>PCT/KR2004/000817</b>   | International filing date (day/month/year)<br><b>08 APRIL 2004 (08.04.2004)</b>                      | (Earliest) Priority Date (day/month/year)<br><b>09 DECEMBER 2003 (09.12.2003)</b> |
| Applicant<br><br><b>SAMSUNG ELECTRONICS CO., LTD. et al</b> |  |   |

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:



5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 3

☒ as suggested by the applicant.



☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/KR2004/000817

| <b>A. CLASSIFICATION OF SUBJECT MATTER</b>  |  |  |
|---|--|--|
| IPC7 D06F 39/08   |  |  |
| According to International Patent Classification (IPC) or to both national classification and IPC   |  |  |
| <b>B. FIELDS SEARCHED</b>   |  |  |
| Minimum documentation searched (classification system followed by classification symbols)<br>IPC7 D06F  |  |  |
| Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched<br>Korean Patents and applicants for inventions since 1975<br>Korean Utility models and applications for Utility models since 1975  |  |  |
| Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  |  |  |
| <b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>   |  |  |
| Category*   | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No.  |
| A   | US 5,675,994(SAMGSUNG CORP.) 14 OCTOBER 1997<br>See the whole document             | 1, 8   |
| A   | JP 3-215296(MATSUSHITA CORP.) 20 SEPTEMBER 1991<br>See the whole document          | 1, 8   |
| A   | JP 2001-276484(TOTO LTD.) 9 OCTOBER 2001<br>See the whole document                 | 1, 8   |
| <input type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> See patent family annex.  |  |  |
| <p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&amp;" document member of the same patent family</p> |  |  |
| Date of the actual completion of the international search<br>29 JUNE 2004 (29.06.2004)  |  | Date of mailing of the international search report<br>30 JUNE 2004 (30.06.2004)  |
| Name and mailing address of the ISA/KR<br> Korean Intellectual Property Office<br>920 Dunsan-dong, Seo-gu, Daejeon 302-701,<br>Republic of Korea<br>Facsimile No. 82-42-472-7140   |  | Authorized officer<br><br>PARK, Jae Hun<br><br>Telephone No. 82-42-481-5643<br> |

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

PCT/KR2004/000817

| Patent document<br>cited in search report | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
|---|---------------------|----------------------------|---------------------|
| US 5,675,994                              | 14-10-1997          | KR 1995-15703              | 24-01-1997          |

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

SEO, Bong Seok

9th Floor., Seolim Bldg., 649-10, Youksam-dong, Gangnam-gu, Seoul 135-080, Republic of Korea

# PCT

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 30 JUNE 2004 (30.06.2004)

Applicant's or agent's file reference  
SM753PCT

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/KR2004/000817**

International filing date (day/month/year)

**08 APRIL 2004 (08.04.2004)**

Priority date(day/month/year)

09 DECEMBER 2003 (09.12.2003)

International Patent Classification (IPC) or both national classification and IPC

**IPC7 D06F 39/08**

Applicant

**SAMSUNG ELECTRONICS CO., LTD. et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application



## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR



Korean Intellectual Property Office  
920 Dunsan-dong, Seo-gu, Daejeon 302-701,  
Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

PARK, Jae Hun

Telephone No. 82-42-481-5643



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/000817

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/000817

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

|                               |        |      |     |
|-------------------------------|--------|------|-----|
| Novelty (N)                   | Claims | 1-12 | YES |
|                               | Claims | None | NO  |
| Inventive step (IS)           | Claims | 1-12 | YES |
|                               | Claims | None | NO  |
| Industrial applicability (IA) | Claims | 1-12 | YES |
|                               | Claims | None | NO  |

**2. Citations and explanations :**

Claims 1-12 meet the criteria set out in PCT Article 33(2)-(4) for the following reasons.

(a) The prior art does not teach nor fairly suggest a washing machine having the configurations as claimed in the independent claims, Claim 1 and/or Claim 5 and/or Claim 8. (b) Thus, the prior art does not teach nor fairly suggest a washing machine having the additional configurations as claimed in the dependent claims, Claims 2-4 and/or Claims 6-7 and/or Claims 9-12.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/000817

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

In Claim 5, the expression "the outlet hole having a predetermined height so that the outlet hole is not blocked by a water film." does not contain a component but rather is written as a functional expression.

In Claims 6 and 12, the meaning of "about 3:2" is ambiguous because "about" does not have exact meaning.



## 서식 PCT/ISA/220에 대한 설명(NOTE)

이 설명은 조약 제19조의 규정에 의한 보정에 관한 기본적인 안내입니다. 이는 특허협력조약, 조약규칙 및 조약시행세칙에 의한 요건에 기초하고 있습니다. 이 설명과 앞서 언급된 요건 사이에 상이점이 있는 경우에는 후자가 적용됩니다. 보다 자세한 정보에 대하여는 WIPO 발행 PCT 출원인안내를 참조.

이 설명에서 "조약", "조약규칙" 및 "조약시행세칙"이라 함은 각각 특허협력조약, 특허협력조약에 의한 시행규칙 및 특허협력조약에 의한 시행세칙을 말합니다.

### 조약 제19조의 규정에 의한 보정에 관한 안내

국제조사보고서 및 국제조사기관의 견해서를 수령한 후 출원인은 1회에 한하여 국제출원의 청구의 범위를 보정할 기회를 가집니다. 국제출원의 모든 부분(청구의 범위, 명세서 및 도면)은 국제예비심사 절차 동안에 보정이 가능하므로, 예를 들어 출원인이 가보호(provisional protection)를 위하여 조약 제19조의 규정에 의한 보정이 공개될 것을 희망하는 경우 또는 국제공개 전에 청구의 범위를 보정할 다른 이유가 있는 경우를 제외하고는 통상 조약 제19조의 규정에 의한 보정을 할 필요는 없습니다. 또한 가보호는 일부국가에서만 가능함을 명심해야 합니다(PCT 출원인안내, 부록 B1 및 B2 참조).

국제출원의 어느 부분을 보정할 수 있는가?

조약 제19조의 규정에 의하여 청구의 범위만을 보정할 수 있습니다.

국제단계 중에는 조약 제34조의 규정에 의하여 국제예비심사기관에 대하여 청구의 범위를 보정(추가 보정도 가능)할 수 있습니다. 명세서 및 도면은 조약 제34조의 규정에 의하여 국제예비심사기관에 대하여만 보정(추가 보정도 가능)할 수 있습니다.

국내단계를 개시할 때 국제출원의 모든 부분은 조약 제28조 또는 제41조(해당하는 경우)의 규정에 의하여 보정할 수 있습니다.

기간은? 국제조사보고서 송부일부터 2월 또는 우선일부터 16월중 늦게 만료하는 날. 다만, 기간 만료 후 국제공개의 기술적 준비가 완료되기 전에 국제사무국에 보정서가 수리된 경우에는, 기간내에 수리된 것으로 봅니다(조약규칙 46.1).

보정서를 제출하지 않아야 할 곳은?

보정서는 수리관청 또는 국제조사기관이 아니라 국제사무국에 제출하여야 합니다(조약규칙 46.2).

국제예비심사청구서가 제출된 경우에는 아래 참조.

방법은? 1 또는 2이상의 청구항 전부의 삭제, 1 또는 2이상의 새로운 청구항의 추가 또는 1 또는 2이상의 출원시 청구항의 변경을 통하여 이루어짐.

보정에 의하여 최초 출원시의 용지와 달라지는 청구항의 각 용지에 대하여는 대체용지를 제출하여야 합니다.

대체용지상의 모든 청구항은 아라비아 숫자로 번호를 부여하여야 합니다. 청구항이 삭제된 경우에는 타 청구항에 대하여 번호를 다시 부여할 필요는 없습니다. 번호를 다시 부여한 경우에는 항상 연속된 번호를 부여해야 합니다(조약시행세칙 205(b)).

보정은 당해 국제출원의 공개언어로 하여야 합니다.

보정서에 수반되는/수반되어야 하는 서류는?

서한(조약시행세칙 205(b)):

보정은 서한과 함께 제출하여야 합니다.

서한은 국제출원 및 보정된 청구의 범위와 함께 공개되지 않습니다. 서한은 "조약 제19조(1)의 규정에 의한 설명서"와 혼동해서는 안됩니다(아래 "조약 제19조(1)의 규정에 의한 설명서" 참조).

서한은 출원인의 선택에 따라 영어 또는 불어로 작성하여야 합니다. 다만, 국제출원언어가 영어인 경우에는 영어로, 국제출원언어가 불어인 경우에는 불어로 작성하여야 합니다.

## 서식 PCT/ISA/220에 대한 설명(계속)

서한에는 출원시의 청구의 범위 및 보정된 청구의 범위 사이의 상이점에 대하여 기재하여야 합니다. 특히,

- (i) 청구항이 변경되었는지
- (ii) 청구항이 삭제되었는지
- (iii) 청구항이 새로운 것인지
- (iv) 청구항이 출원시의 1 또는 2이상의 청구항을 대체하는지
- (v) 청구항이 출원시의 청구항의 분할인지

여부를 국제출원의 각 청구항과 관련하여(몇몇의 청구항에 관한 동일한 기재는 묶어서 할 수 있습니다) 기재하여야 합니다.

다음의 예는 서한에서 보정을 설명하는 방식을 나타냅니다.

1. [최초에 48개의 청구항이 있었으나 일부 청구항을 보정하여 51개의 청구항이 있는 경우]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers;  
claims 30, 33, and 36 unchanged; new claims 49 to 51 added."
2. [최초에 15개의 청구항이 있었으나 모든 청구항을 보정하여 11개의 청구항이 있는 경우]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [최초에 14개의 청구항이 있었으나 일부 청구항을 삭제하고 새로운 청구항을 추가하는 경우]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added."  
또는 "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [다양한 보정이 있는 경우]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "조약 제19조(1)의 규정에 의한 설명서"(조약규칙 46.4)

보정서에는 보정내용을 설명하고 당해 보정이 명세서 및 도면(조약 제19조(1)의 규정에 의하여는 보정이 불가)에 미치는 영향을 기재한 설명서를 첨부할 수 있습니다.

설명서는 국제출원 및 보정된 청구의 범위와 함께 공개됩니다.

설명서는 당해 국제출원의 공개언어로 작성하여야 합니다.

설명서는 짧게 작성하여야 하며 영어 또는 영어로 번역한 경우 500단어를 넘지 않아야 합니다.

설명서는 최초 출원시의 청구의 범위와 보정된 청구의 범위 사이의 차이점에 대하여 기재한 서한과 혼동하여서는 아니되며 또한 설명서가 당해 서한을 대체하지도 않습니다. 설명서는 별도의 용지로 제출하여야 하며, 제목을 기재하여 구별되되 그 제목은 "조약 제19조(1)의 규정에 의한 설명서"로 기재하는 것이 좋습니다.

설명서에는 국제조사보고서 또는 당해 보고서에 포함된 인용문헌의 관련성에 대하여 비방하는 의견을 기재하여서는 안됩니다. 어떤 청구항에 관련된 것으로서 국제조사보고서에 포함되어 있는 인용문헌에 대해서는 당해 청구항의 보정과 관련해서만 언급할 수 있습니다.

### 국제예비심사청구서가 이미 제출된 경우의 결과

조약 제19조의 규정에 의한 보정서 및 설명서의 제출시에 이미 국제예비심사청구서가 제출되어 있는 경우에는 가능하면 출원인은 국제사무국에 보정서(및 설명서)를 제출함과 동시에 국제예비심사기관에도 당해 보정서의 사본(및 설명서의 사본) 및 해당하는 경우에는 당해 기관에서의 절차를 위한 보정서의 번역문을 제출하여야 합니다(조약규칙 55.3(a) 및 62.2 첫 번째 문장 참조). 추가적인 정보는 demand form(PCT/IPEA/401)에 대한 설명을 참조.

국제예비심사가 청구되면, 국제예비심사기관이 국제조사기관으로서의 역할을 하지 않았고 당해 예비심사기관이 국제사무국에 조약규칙 66.1bis(b)의 규정에 의한 통지를 한 경우를 제외하고, 국제조사기관의 견해서는 국제예비심사기관의 견해서로 간주된다. 국제예비심사청구가 이루어진 경우 출원인은 국제예비심사기관에 보정서(해당하는 경우)와 함께 견해서에 대한 답변을 제출할 수 있다. 동 제출기간은 서식 PCT/ISA/220의 발송일로부터 3월 또는 우선일로부터 22월 중 늦게 만료하는 날 전까지이다(조약규칙 43bis.1(c)).

### 국내단계 개시를 위한 국제출원의 번역문에 관한 결과

출원인은 국내단계를 개시하는 경우 조약 제19조의 규정에 의하여 보정된 청구의 범위의 번역문을 최초의 청구의 범위의 번역문과 함께 또는 당해 번역문을 대신하여 지정/선택관청에 제출하여야 하는 경우가 있다는 사실을 기억해야 합니다.

각 지정/선택관청의 요건에 관한 보다 자세한 사항은 PCT 출원인안내, 제2권 참조.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments ?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.